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**Datasheet for the decision
of 3 December 2010**

Case Number: T 1706/10 - 3.3.08

Application Number: 05760441.5

Publication Number: 1727894

IPC: C12N 7/06

Language of the proceedings: EN

Title of invention:
Cellular and viral inactivation

Applicant:
Government of the United States of America

Headword:
Inactivation/UNITED STATES

Relevant legal provisions:
EPC Art. 108

Relevant legal provisions (EPC 1973):
-

Keyword:
"Missing statement of grounds"

Decisions cited:
-

Catchword:
-



Case Number: T 1706/10 - 3.3.08

D E C I S I O N
of the Technical Board of Appeal 3.3.08
of 3 December 2010

Appellant: Government of the United States of America as
represented by The Secretary of the Department
of Health and Human Services
6011 Executive Boulevard, Room 325
Rockville, MD 20852-3804 (US)

Representative: Leifert & Steffan
Patentanwälte
Burgplatz 21-22
D-40213 Düsseldorf (DE)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 16 February 2010
refusing European patent application
No. 05760441.5 pursuant to Article 97(2) EPC.

Composition of the Board:

Chairman: L. Galligani
Members: T. J. H. Mennessier
J. Geschwind

Summary of Facts and Submissions

- I. The applicant (appellant) filed on 16 April 2010 a notice of appeal against the decision of the examining division dated 16 February 2010 whereby the European Patent application No. 05 760 441.5 (with publication number 1727894) entitled " Cellular and virus inactivation" was refused according to Article 97(2) EPC in relation with Articles 84 and 54(2) EPC. The appeal fee was paid on the same day. No statement of grounds of appeal was filed within the time limit set by Article 108 EPC.

- II. By a communication dated 18 August 2010 sent by registered letter with advice of delivery, the appellant was informed that no statement of grounds of appeal had been filed and that, therefore, it was to be expected that the appeal would be rejected as inadmissible pursuant to Article 108, third sentence, and Rule 101(1) EPC. The appellant was invited to file observations within two months. The appellant did not reply to said communication, and no request for re-establishment of rights was filed.

Reasons for the Decision

1. As no written statement setting out the grounds of appeal has been filed, and as the notice of appeal does not contain any statements that could be regarded as a statement of grounds of appeal pursuant to Article 108 EPC, the appeal has to be rejected as inadmissible (Article 108 EPC in conjunction with Rule 101(1) EPC).

2. Since the appeal is inadmissible, none of the requests in the notice of appeal, including the request for oral proceedings, can be considered.

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar

The Chairman

A. Wolinski

L. Galligani